



Lester A. Snow, Director
Department of Water Resources
1416 Ninth Street
PO Box 942836
Sacramento CA 94236

June 20, 2005

Subject: Bulletin 160 Public Review Draft

Dear Lester:

CalTrout was pleased to have a representative of our organization on the Public Advisory Committee for the State Water Plan (Nick Di Croce) and we would like to provide you with our organization's comments and views related to the recently released Public Review Draft.

The Department is to be commended for the open and communicative process under which the plan has been developed over the last four years, including the involvement of a very inclusive and well-facilitated Public Advisory Committee. The plan that resulted was unquestionably the best and most comprehensive water plan that has ever been developed for the state. It has been thoroughly researched and presents a clear picture of the many options that can be available for the state's water future. It presents a good collection of available data on the state's water usage and can be a valuable guide for public and private agencies involved in the use of California's water.

Our disagreement with the overall direction of the plan falls into two areas: water use efficiency and ecosystem restoration. We believe those areas are significant to both the future economy and environment of the state, and that the two have a direct connection with each other. Our views on these two subjects are as follows:

1. The main fault of B160 is the failure to recognize that the major source of future water supplies for California is through the improved utilization of existing water supplies and that actions to improve water use efficiency should be the major initiative for the state. Instead, the "Highlights" Brochure – which has

been prepared as a briefing document for legislators and key decision makers – and the “Framework for Action” included in the Brochure and the Strategic Plan emphasize “Statewide Water Management Systems” (infrastructure additions) and “Integrated Regional Water Management,” to the detriment of efficient water usage.

- The water use efficiency data shown in the Highlights Brochure and in the Strategic Plan support the conclusion that the major supplies for the future will come from water efficiency actions and not infrastructure additions; yet the plan relegates the water efficiency actions to a lower priority than the other two. Examination of the data presented in the Brochure and the Strategic Plan shows that most – if not all – of California’s future water needs can be satisfied through investment in water efficiency actions and preclude the necessity for the state to invest further in new surface storage options (infrastructure). This failure to recommend the water conservation and efficiency actions as the *primary initiative* for the state is a major failing of the draft plan.
- These efficiency actions – which include water conservation, more efficient water management by all sectors of the economy and regions of the state, water reclamation and reuse, increased groundwater storage and conjunctive use, carefully selected water transfers – are cost effective, practically and politically implementable, friendly to California’s natural environment, and in line with the recognition that California’s water supply is a limited and increasingly expensive resource. These actions can be directly linked to the Integrated Regional Water Management activities; many are being accomplished or have already been accomplished. Highlighting these actions and elevating the priorities for the water efficiency actions that are described in the Resource Management Strategies to the top priority would assure that California is investing its money to provide for a healthy economy, healthy people, and a healthy environment.
- Included in the “Improve Statewide Water Management Systems” part of the Framework for Action is a recommendation to implement the CALFED program including conveyance “improvements” and new storage. We understand that “infrastructure” to DWR usually means surface storage dams and conveyance, as indicated in your presentations. However, emphasizing dams and conveyance is not supported by data in the Plan. We cannot conceive of a state or federal action that will cause more environmental damage and continue California’s unsustainable water practices than exporting more water through the Bay-Delta accompanied with major new surface storage capacity to feed the pumps. The current condition of fisheries in the Bay-Delta should make that apparent. The recommendations related to infrastructure and conveyance represent institutionalized thinking and fail to recognize that no state or federal agencies are willing to financially support major new infrastructure. The “take home message” here is that California has already developed vast and adequate water

supplies to accommodate a healthy future economy and the main challenge now is to find ways to more effectively and efficiently use existing supplies.

2. Our second issue with the draft Plan is the lack of attention and priority placed on the restoration of major rivers throughout the state. As one of the key agencies responsible for the condition of California's renowned rivers, the failure to focus on key ecosystem restoration activities and priorities for river and habitat restoration is a major failing. The State Water Plan should be a vocal advocate and should highlight the lack of enforcement of existing environmental laws and regulations, should be a leading advocate for prioritizing rivers needing restoration and the specific actions that could be taken, and DWR should be a leader in demonstrating the ecosystem values that have made California one of the major tourist destinations in the world. We know from our experience that improving ecosystems has a direct and positive effect on the local regions as well as the state's overall economy. The draft State Water Plan has so far failed to recognize the ecological and economic values of these kinds of actions.
 - As an example of that failure, not a single recommendation related to ecosystem restoration made it into the Strategic Plan recommendations (Chapter 1) and only slight mention of river flows is included in the Implementation Plan (Chapter 5) – despite the fact that the Ecosystem Restoration chapter of Volume 2 contains recommendations related to assessing and identifying bodies of water that need improved flows. The State Water Plan presents the perfect opportunity for the Resources Agency to demonstrate its interest in restoring California's rivers and estuaries with meaningful and significant recommendations in the Strategic Plan. So far the opportunity is being missed.
 - A second glaring example is related to Oroville Dam. The Implementation Plan (Recommendation 12) states that: "Where DWR is the owner of a dam, it will make releases in compliance with Fish and Game Code Section 5937." (The state requirement that the owner of any dam shall allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that may be planted or exist below the dam). In our view, DWR has never been in compliance with Section 5937 since Oroville was built and is not now in compliance. The current FERC relicensing process provides an opportunity for DWR to change its operation of Oroville and come into compliance with the State Code and to follow your own recommendation in the State Water Plan.
 - The kinds of ecosystem recommendations that we would expect to see in the State Water Plan include:
 - i. Establish healthy flow targets for all of the state's rivers and streams.
 - ii. Establish state requirements for more natural flow regimes as a condition for operating water project facilities or approving regional management plans.

- iii. Develop the means to provide fish passage on the Feather River past Oroville Dam.
- iv. Support a modification of the State Water Code to define instream flows as the highest priority beneficial use where Federal or State endangered species are involved.
- v. Support federal wild and scenic designations and wilderness protections for deserving California rivers.
- vi. Support increasing the overall positive flow into, through and out of the Delta instead of supporting increased Delta exports.
- vii. Support the removal of outdated or marginally useful surface storage facilities, such as the Rindge, Matilija, and Daguerre dams.

Our organization is dedicated to habitat restoration throughout the state. One of the goals of our Strategic Plan is to “improve flows” for key rivers. We make a direct connection between improved water use efficiency and ecosystem restoration since the more efficient use of California’s water will make more water available for the environment and lead directly to improved flows for rivers.

It is our hope that the Department of Water Resources and the Resources Agency will use this public comment period and the feedback you receive to make at least the two important changes suggested in the above comments. We thank you for the opportunity to be a part of the State Water Plan process and to provide our comments for your consideration.



Brian R. Stranko
Executive Director

Copies:

Mike Chrisman, Resources Agency
Terry Tamminen, Governor’s Cabinet